

VZCZCXRO0668
OO RUEHDBU RUEHLN RUEHVK RUEHYG
DE RUEHC #9413/01 2991627
ZNR UUUUU ZZH
O R 261611Z OCT 07
FM SECSTATE WASHDC
TO RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 6651
INFO CIS COLLECTIVE
RUEAIIA/CIA WASHINGTON DC 5201
RUEKJCS/SECDEF WASHINGTON DC
RUEHVEN/USMISSION USOSCE 5084
RHEHNSC/NSC WASHINGTON DC 8988

UNCLAS SECTION 01 OF 02 STATE 149413

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E.O. 12958: N/A

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SUBJECT: TAJIKISTAN: DEMARCHE ON REGISTRATION OF THE
NATIONAL DEMOCRATIC INSTITUTE AND THE BANNING OF JEHOVAH'S
WITNESSES

¶1. (SBU) This is an action message. Please see para 2.

¶2. (SBU) Post is instructed to deliver the demarches in paras three and four to the appropriate presidential or government official to strongly voice U.S. concern about the ongoing failure to register the National Democratic Institute and the recent banning of the religious organization Jehovah's Witnesses. A copy of the points may be left as a non-paper.

¶3. (SBU) Begin text on the failure to register the National Democratic Institute for International Affairs:

The Government of Tajikistan has committed itself to the rule of law and democratic reform, as well as the advancement of internationally recognized human rights. The Government also has committed to make its institutions and decision-making processes more open, transparent and rule-based. We commend Tajikistan for its expressed commitment to these principles. As we have frequently noted, however, their implementation is fundamental to the long-term effectiveness of state institutions.

The United States has supported the government of Tajikistan in its efforts to build stronger democratic institutions. Independent non-governmental organizations, including the National Democratic Institute, have a long and successful track record of assistance.

The Institute is a well-known and internationally respected organization. It works in many countries, including Uzbekistan and Kyrgyzstan, and we laud its work in Tajikistan as well.

We express strong concern about the government of Tajikistan's treatment of the Institute and its staff. For several months the organization has been unable to register, as required by Tajikistani law, or to obtain a long-term visa for its American citizen director, Mr. Harry Bader. The Government's decision to deny Mr. Bader a long-term visa appears to constitute a de facto denial of the registration of the National Democratic Institute.

Continued uncertainty over its legal status undermines the Institute's ability to assist with Tajikistan's stated political reform goals and negatively affects perceptions of Tajikistan's commitment to foster democratic practices.

We have been informed that since June 2007, Mr. Bader has been unable to clarify the legal requirements for registering the National Democratic Institute in Tajikistan. Despite

good faith attempts to comply with Tajikistani law, most recently he has been granted only a short-term (one-month) visa. Government officials cite two different laws which regulate the National Democratic Institute's status in Tajikistan, but he has not been told conclusively which law applies and what specific documents he must submit to complete the registration process.

We renew our request that the government of Tajikistan provide Mr. Bader and the American Embassy the specific law which applies to the National Democratic Institute's registration in Tajikistan, register the organization, and issue Mr. Bader a long-term visa that will allow him to complete the registration process.

End text on the National Democratic Institute.

14. (SBU) Begin text on the recent banning of Jehovah's Witnesses:

The government of Tajikistan has expressed support for the rule of law and promotion of internationally recognized human rights. Tajikistan's Constitution guarantees religious freedom. The government is a party to the UN International Covenant on Civil and Political Rights, acceded to the First Protocol to the Convention respecting religious freedom, and is politically obligated to uphold the commitments on religious freedom from the Organization for Security and Cooperation in Europe, of which Tajikistan is a participating

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In this light, we express concern that the recent decision to legally ban the activities of the Jehovah's Witnesses undermines Tajikistan's efforts to protect human rights, specifically religious freedom.

Jehovah's Witnesses have been lawfully registered in Tajikistan since 1994. Until recently, despite closely monitoring the activities of the organization, government officials have not found that the organization operated in a manner that violated Tajikistani law. The Commission's decision does not cite any specific conduct that may have led to the finding that the Jehovah's Witnesses have violated the Constitution, the Law on Religion and Religious Organizations, or the Law on Authorizing Certain Types of Activity.

We have been informed that on October 11 the government of Tajikistan banned the Jehovah's Witnesses from any activities in Tajikistan. The Ministry of Culture's Council Commission reportedly found that Jehovah's Witnesses violated Tajikistani law, citing instances in 2000 and 2002. We understand the Committee made this decision without conducting a formal hearing with representatives of the Jehovah's Witnesses organization.

It appears the Commission side-stepped basic elements of legal due process, including by denying a fair hearing. We understand that the Commission did not inform the organization that it was convening to make such a determination; the Commission also did not provide the organization an opportunity to present a defense.

The Jehovah's Witnesses intend to appeal the ban. We request the Government of Tajikistan ensure consideration of the appeal is conducted through a fair and transparent process in accordance with Tajikistani law and customary principles of due process.

The United States is concerned that the ban on activities of the Jehovah's Witnesses reflects a growing trend of government restrictions on religious practice, including mosque closures, a ban on wearing hijabs in educational institutions, and other restrictions on youth and women to discourage them from practicing their religion. We are

concerned that the draft Law on Freedom of Conscience and Religious Organizations currently under consideration by the parliament may further restrict freedom of religion.

We request a meeting with Minister of Culture Asrori and his Deputy Davlatov to discuss this and other issues that affect religious organizations.

End text on Jehovah's Witnesses.

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